

MONTANA LEGISLATIVE HISTORY

Chapter 282 1999

Bill H 353 S _____ Original bill & history ✓ C

H. Committee on Business & Labor

S. Committee on Local Government

Hearing Date(s) 1-27 tabled

Hearing Date(s) 3-16 _____ C

2-5 taken from
table C as passed

3-18 _____ C

2-9 do pass as amended

_____ C

_____ C

_____ C

Date Out 2-9 _____ C

Date Out 3-18

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

3/19 Chapter Number Assigned
 Chapter Number 107
 Effective Date: 3/18/1999 - Sections 2-6
 Effective Date: Effective on the Date of the Montana Supreme Court
 Decision That Invalidates Subsection (4)(a) of 77-1-130;
 Otherwise this Section is Void

HB 353 Introduced by Tash, et al.

LC1648 Drafter: Petesch

Authorize a County, City, or Town That Owns Property Containing a Historically Significant Building or Monument to Sell or Give the Property to a Nonprofit Organization or Group That Agrees to Restore or Preserve the Property;...

1/14	Fiscal Note Needed		
1/22	Introduced and 1st Reading		
1/22	Referred to Business and Labor		
1/27	Hearing		
1/27	Tabled in Committee		
2/05	Taken from Table in Committee		
2/09	Hearing		
2/09	Committee Executive Action--Bill Passed as Amended	18	0
2/11	Committee Report--Bill Passed as Amended		
2/13	2nd Reading Passed	96	4
2/15	3rd Reading Passed	93	5

	Transmitted to Senate		
2/22	Referred to Local Government		
3/16	Hearing		
3/19	Committee Executive Action--Bill Concurred	7	0
3/19	Committee Report--Bill Concurred		
3/20	2nd Reading Concurred	39	0
3/22	3rd Reading Concurred	49	0

Returned to House
 3/23 Sent to Enrolling
 3/23 Returned from Enrolling
 3/24 Signed by Speaker
 3/24 Signed by President
 3/25 Transmitted to Governor
 3/29 Signed by Governor
 3/30 Chapter Number Assigned
 Chapter Number 202
 Effective Date: 3/29/1999 - All Sections

HB 354 Introduced by Lindeen, et al.

LC0923 Drafter: MacMaster

Provide That a Private Person or Entity Taking Property by Eminent Domain May Not Take Possession of the Property until All Rights of Appeal Have Been Exhausted Unless the Landowner Agrees to the Possession at an Earlier Point in Time;...

1/22	Introduced and 1st Reading
1/22	Referred to Business and Labor
1/27	Hearing
2/03	Tabled in Committee
3/01	Missed Deadline for General Bill Transmittal

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

BILL NO. 353

(Primary Sponsor)

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(a) requires the approval of the county for any future transfer of the property; and

(b) provides for the reversion of the property to the county for noncompliance with conditions attached to the transfer."

Section 2. Section 7-8-2212, MCA, is amended to read:

"7-8-2212. Notice of sale and public auction required for certain sales. Unless otherwise provided, if real or personal property to be sold is reasonably of a value in excess of \$2,500, the sale must be at public auction at a site determined by the board of county commissioners after notice by publication as provided in 7-1-2121. Property described in 7-8-2211(4) is not subject to the requirements of this section."

Section 3. Section 7-8-2213, MCA, is amended to read:

"7-8-2213. Terms of sale. (1) The Except as provided in 7-8-2211(4), a sale shall under this part must be for cash or on such terms as that the board of county commissioners may approve, provided that at least 20% of the purchase price ~~shall be~~ is paid in cash. All deferred payments on the purchase price of any property sold ~~shall must~~ bear interest at the rate of 6% ~~per annum~~ a year, payable annually, and may be extended over a period of not more than 5 years.

(2) ~~No~~ Subject to 7-8-2211(4), a sale shall may not be made at public auction or to any school district without public auction for less than 90% of the appraised value.

(3) ~~No~~ Subject to 7-8-2211(4), the title to any property sold under the provisions of 7-8-2211 through 7-8-2220 shall may not pass from the county until the purchaser or his the purchaser's assigns shall have paid the full amount of the purchase price therefor into the county treasury for the use and benefit of the county."

Section 4. Section 7-8-4201, MCA, is amended to read:

"7-8-4201. Disposal or lease of municipal property. (1) Subject to the provisions of subsection (2), the city or town council may sell, dispose of, or lease any property belonging to the city or town.

(2) (a) The Except for property described in subsection (3), the lease or transfer must be made by an ordinance or resolution passed by a two-thirds vote of all the members of the council.

(b) Except for property acquired by tax deed or property described in subsection (3), if the property is held in trust for a specific purpose, the sale or lease must be approved by a majority vote of

1 the electors of the municipality voting at an election called for that purpose. The election must be held
2 in conjunction with a regular or primary election.

3 (3) If a city or town owns property containing a historically significant building or monument, the
4 city or town may sell or give the property to nonprofit organizations or groups that agree to restore or
5 preserve the property. The contract for the transfer of the property must contain a provision that:

6 (a) requires the approval of the city or town for any future transfer of the property; and
7 (b) provides for the reversion of the property to the city or town for noncompliance with conditions
8 attached to the transfer.

9 ~~(3)~~(4) This section may not be construed to abrogate the power of the board of park
10 commissioners to lease all lands owned by the city that were acquired for parks within the limitations
11 prescribed by 7-16-4223."

12
13 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

14 - END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN BRUCE SIMON**, on January 27, 1999 at 8:00 A.M., in Room 104 Capitol.

ROLL CALL

Members Present:

Rep. Bruce Simon, Chairman (R)
Rep. Bob Pavlovich, Vice Chairman (D)
Rep. Paul Sliter, Vice Chairman (R)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Roy Brown (R)
Rep. David Ewer (D)
Rep. Carol C. Juneau (D)
Rep. Billie Krenzler (D)
Rep. Bob Lawson (R)
Rep. Gay Ann Masolo (R)
Rep. Gary Matthews (D)
Rep. Joe McKenney (R)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Cliff Trexler (R)
Rep. Carley Tuss (D)

Members Excused: None.

Members Absent: None.

Staff Present: Stephen Maly, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 337 (1/21/99), HB 353, HB 354, HB 355, HB 364, 1/25/1999
Executive Action: HB 353

EXECUTIVE ACTION ON HB 353

Motion/Vote: REP. SLITER moved that HB 353 BE TABLED. Motion carried unanimously.
{Tape : 1; Side : A; Approx. Time Counter : 0 - 23}

HEARING ON HB 355

Opening Statement by Sponsor: Rep. Taylor, HD 5 introduced HB 355. EXHIBIT(buh21a01)
{Tape : 1; Side : A; Approx. Time Counter : 23 - 141}

Proponents' Testimony:

Mark Fix, rancher from Miles City EXHIBIT(buh21a02)
EXHIBIT(buh21a03)
{Tape : 1; Side : A; Approx. Time Counter : 141 - 256}

Art Haynes, Birney, MT EXHIBIT(buh21a04)
{Tape : 1; Side : A; Approx. Time Counter : 256 - 267}

John Allen, Pres. Custer Co. Farm Bureau
{Tape : 1; Side : A; Approx. Time Counter : 267 - 297}

John Youngberg, Montana Farm Bureau
{Tape : 1; Side : A; Approx. Time Counter : 297 - 310}

Bill Boulvione, Miles City, MT
{Tape : 1; Side : A; Approx. Time Counter : 310 - 354}

Kay McCloy, Pompey's Pillar EXHIBIT(buh21a05)
{Tape : 1; Side : A; Approx. Time Counter : 354 - 404}

Ron de Young, Montana Farmers Union
{Tape : 1; Side : A; Approx. Time Counter : 404 - 411}

Dena Hoff, Northern Plains Resource Council
{Tape : 1; Side : A; Approx. Time Counter : 411 - 416}

Rep. Marian Hanson,
{Tape : 1; Side : A; Approx. Time Counter : 416 - 430}

Tim Lohof, Birney, MT
{Tape : 1; Side : A; Approx. Time Counter : 430 - 446}

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL

DATE 1/27/99

NAME	PRESENT	ABSENT	EXCUSED
Chairman Bruce Simon	X		
Rep. Paul Sliter	X		
Rep. Bob Pavlovich	X		
Rep. Joe Barnett	X		
Rep. Rod Bitney	X		
Rep. Sylvia Bookout-Reineke	X		
Rep. Roy Brown	X		
Rep. David Ewer	X		
Rep. Billie Krenzler	X		
Rep. Bob Lawson	X		
Rep. Gay Ann Masolo	X		
Rep. Gary Matthews	X		
Rep. Joe McKenney	X		
Rep. Carolyn Squires	X		
Rep. Jay Stovall	X		
Rep. Carley Tuss	X		
Rep. Carol Juneau	X		
Rep. Cliff Trexler	X		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN BRUCE SIMON**, on February 5, 1999 at
8:00 A.M., in Room 104 Capitol.

ROLL CALL

Members Present:

Rep. Bruce Simon, Chairman (R)
Rep. Bob Pavlovich, Vice Chairman (D)
Rep. Paul Sliter, Vice Chairman (R)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Roy Brown (R)
Rep. David Ewer (D)
Rep. Carol C. Juneau (D)
Rep. Billie Krenzler (D)
Rep. Bob Lawson (R)
Rep. Gay Ann Masolo (R)
Rep. Gary Matthews (D)
Rep. Joe McKenney (R)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Cliff Trexler (R)
Rep. Carley Tuss (D)

Members Excused: None.

Members Absent: None.

Staff Present: Stephen Maly, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HJR 15, HB 489, 2/3/1999
Executive Action: HB 353, SB 77, HB 442, HB 448,
HB 400, HB 430, HB 428, HB
367, HB 368, HB 369, HB 370,
HB 402, HB 396, HJR 15, HB 489

EXECUTIVE ACTION ON HB 353

Motion/Vote: REP. MASOLO moved HB 353 be taken from table.
Motion carried unanimously.
{Tape : 1; Side : A; Approx. Time Counter : 0 - 26}

Motion/Vote: REP. MASOLO moved that HB 353 DO PASS. Motion
carried unanimously.
{Tape : 1; Side : A; Approx. Time Counter : 26 - 100}

EXECUTIVE ACTION ON HB 442

Motion/Vote: REP. STOVALL moved that HB 442 DO PASS. Motion
carried 17-1 with Trexler voting no.
{Tape : 1; Side : A; Approx. Time Counter : 100 - 108}

EXECUTIVE ACTION ON HB 448

Motion: REP. EWER moved that HB 448 DO PASS.
{Tape : 1; Side : A; Approx. Time Counter : 108 - 220}

Motion/Vote: REP. EWER moved that HB 448 BE AMENDED. Motion
carried unanimously.
{Tape : 1; Side : A; Approx. Time Counter : 220 - 225}

Motion: REP. EWER moved that HB 448 DO PASS AS AMENDED.
{Tape : 1; Side : A; Approx. Time Counter : 225 - 250}

Motion: REP. EWER moved HB 448 withdrew amendments.
{Tape : 1; Side : A; Approx. Time Counter : 250 - 280}

Motion/Vote: REP. EWER moved that HB 448 DO PASS AS AMENDED.
Motion failed 7-11 with Barnett, Bitney, Bookout-Reinicke, Ewer,
Juneau, Krenzler, and Simon voting aye.
{Tape : 1; Side : A; Approx. Time Counter : 280 - 300}

Motion/Vote: REP. EWER moved that HB 448 BE TABLED. Motion
carried 11-7 with Barnett, Bitney, Bookout-Reinicke, Ewer,
Juneau, Krenzler, and Simon voting no.
{Tape : 1; Side : A; Approx. Time Counter : 300 - 382}

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL

DATE 2/5/99

NAME	PRESENT	ABSENT	EXCUSED
Chairman Bruce Simon	X		
Rep. Paul Sliter	X		
Rep. Bob Pavlovich	X		
Rep. Joe Barnett	X		
Rep. Rod Bitney	X		
Rep. Sylvia Bookout-Reineke	X		
Rep. Roy Brown	X		
Rep. David Ewer	X		
Rep. Billie Krenzler	X		
Rep. Bob Lawson	X		
Rep. Gay Ann Masolo	X		
Rep. Gary Matthews	X		
Rep. Joe McKenney	X		
Rep. Carolyn Squires	X		
Rep. Jay Stovall	X		
Rep. Carley Tuss	X		
Rep. Carol Juneau	X		
Rep. Cliff Trexler	X		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN BRUCE SIMON**, on February 9, 1999 at 8:00 A.M., in Room 104 Capitol.

ROLL CALL

Members Present:

Rep. Bruce Simon, Chairman (R)
Rep. Bob Pavlovich, Vice Chairman (D)
Rep. Paul Sliter, Vice Chairman (R)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Roy Brown (R)
Rep. David Ewer (D)
Rep. Carol C. Juneau (D)
Rep. Bob Lawson (R)
Rep. Gay Ann Masolo (R)
Rep. Gary Matthews (D)
Rep. Joe McKenney (R)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Cliff Trexler (R)
Rep. Carley Tuss (D)

Members Excused: Rep. Billie Krenzler (D)

Members Absent: None.

Staff Present: Stephen Maly, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 353, HB 504, HB 506, HB 493, HB 522, HJR 16,, 2/4/1999
Executive Action: HB 353, HB 522, HB 523, HJR 16, HB 381, HB 493, HB 504

HEARING ON HB 353

Opening Statement by Sponsor: Rep. Tash, HD 34, introduces HB 353. EXHIBIT(buh32a01) EXHIBIT(buh32a02)
{Tape : 1; Side : A; Approx. Time Counter : 0 - 88}

Proponents' Testimony: Mona Jamison, Montana Historical Society
{Tape : 1; Side : A; Approx. Time Counter : 88 - 111}

Jane Jalinski, MAICO
{Tape : 1; Side : A; Approx. Time Counter : 111 - 121}

Max Weber, Virginia City Alliance, Pres.
{Tape : 1; Side : A; Approx. Time Counter : 121 - 139}

Sharon McCabe, Director of Historical Society
{Tape : 1; Side : A; Approx. Time Counter : 139 - 141}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: Rep. Simon questions witnesses.
{Tape : 1; Side : A; Approx. Time Counter : 141 - 177}

Closing by Sponsor: Rep. Tash closed HB 353.
{Tape : 1; Side : A; Approx. Time Counter : 177 - 187}

HEARING ON HB 504

Opening Statement by Sponsor: Rep. Sliter, HD 76 introduced HB 504.
{Tape : 1; Side : A; Approx. Time Counter : 187 - 202}

Proponents' Testimony: Dean Randash NAPA auto store owner.
{Tape : 1; Side : A; Approx. Time Counter : 202 - 263}

Ed Grogan, Montana Medical Benefits Plan. EXHIBIT(buh32a03)
{Tape : 1; Side : A; Approx. Time Counter : 263 - 286}

Al Pontrelli, Montana Assn of Life Underwriters
{Tape : 1; Side : A; Approx. Time Counter : 286 - 300}

Kelly King, small business owner
{Tape : 1; Side : A; Approx. Time Counter : 300 - 320}

Scott Hanson, Hotel and Restaurant Employees **EXHIBIT(buh32a12)**
{Tape : 3; Side : B; Approx. Time Counter : 225 - 309}

Rex Kendall, IBEW **EXHIBIT(buh32a13)**
{Tape : 3; Side : B; Approx. Time Counter : 309 - 427}

Fran Marceau, United Transportation Workers member
{Tape : 3; Side : B; Approx. Time Counter : 427 - 450}

Greg Gilcrest, United Transportation Worker member
{Tape : 3; Side : B; Approx. Time Counter : 450 - 462}

Sammy Butler, Montana Nursing Assn
{Tape : 3; Side : B; Approx. Time Counter : 462 - 477}

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: Rep. Ewer closed HJ 16.
{Tape : 3; Side : B; Approx. Time Counter : 477 - 512}

EXECUTIVE ACTION ON HB 353

Motion: REP. BOOKOUT-REINICKE moved that HB 353 DO PASS.
{Tape : 4; Side : A; Approx. Time Counter : 0 - 8}

Motion/Vote: REP. PAVLOVICH moved that HB 353 BE AMENDED. Motion carried unanimously.
{Tape : 4; Side : A; Approx. Time Counter : 8 - 15}

Motion/Vote: REP. BOOKOUT-REINICKE moved that HB 353 DO PASS AS AMENDED. Motion carried unanimously.
{Tape : 4; Side : A; Approx. Time Counter : 15 - 18}

EXECUTIVE ACTION ON HB 522

Motion/Vote: REP. PAVLOVICH moved that HB 522 DO PASS. Motion carried unanimously.
{Tape : 4; Side : A; Approx. Time Counter : 18 - 23}

EXECUTIVE ACTION ON HB 523

Motion: REP. MCKENNEY moved that HB 523 DO PASS.
{Tape : 4; Side : A; Approx. Time Counter : 23 - 29}

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

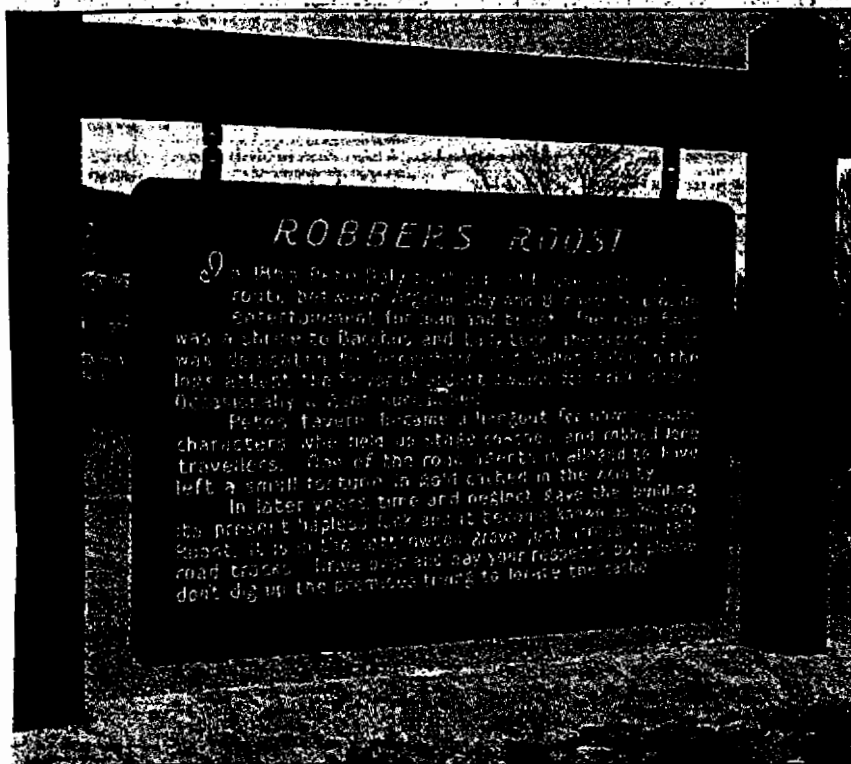
ROLL CALL

DATE 2/9/99

NAME	PRESENT	ABSENT	EXCUSED
Chairman Bruce Simon	X		
Rep. Paul Sliter	X		
Rep. Bob Pavlovich	X		
Rep. Joe Barnett	X		
Rep. Rod Bitney	X		
Rep. Sylvia Bookout-Reineke	X		
Rep. Roy Brown	X		
Rep. David Ewer	X		
Rep. Billie Krenzler			X
Rep. Bob Lawson	X		
Rep. Gay Ann Masolo	X		
Rep. Gary Matthews	X		
Rep. Joe McKenney	X		
Rep. Carolyn Squires	X		
Rep. Jay Stovall	X		
Rep. Carley Tuss	X		
Rep. Carol Juneau	X		
Rep. Cliff Trexler	X		

Roadhouse Blues

Regardless of the veracity of stories told by Bob Wheeler's ancestors, many in Madison County say Laurin's historic stage stop is worth saving.



ROBBERS ROOST was built by Pete Daly as a roadhouse to service travelers between Virginia City and Bannack. Legend has it that Sheriff Henry Plummer and his gang of road agents schemed and partied in the building. However, others believe that Robbers Roost was built after the vigilantes had hanged most of the bandits.

EXHIBIT 1
DATE 2/9/99
HB 853

EXHIBIT 2
DATE 2/9/99
HB 353

Amendments to House Bill No. 353
1st Reading Copy

Requested by Representative Bill Tash

For the House Business and Labor Committee

Prepared by Gregory Petesch
February 2, 1999

1. Page 1, line 30.

Strike: "the approval of the county for any future transfer of the property"

Insert: "the property to be preserved in its present or restored state upon any subsequent transfer"

2. Page 3, line 6.

Strike: "the approval of the city or town for any future transfer of the property"

Insert: "the property to be preserved in its present or restored state upon any subsequent transfer"

- END -

MONTANA HOUSE OF REPRESENTATIVES VISITORS REGISTER

DATE 2/9/99

BILL NO. HB 353

SPONSOR(S) _____

TYPE
PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE
CIRCLE

NAME

ADDRESS

REPRESENTING

☒ POI	Mona Jamison	Helena	Mont Hist. Soc. Pen
☒ POI	Sharon McGee	Helena	Mont Hist Soc
☒ POI	Jane Jelinski	Helena	MA Co
☒ POI	Mark Weber	PO Box 55 Virginia City	Virginia City Preservation Alliance
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.



HOUSE STANDING COMMITTEE REPORT

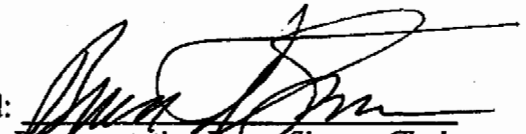
February 9, 1999

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** report that **House Bill 353** (first reading copy -- white) do pass as amended.

Signed:


Representative Bruce Simon, Chair

And, that such amendments read:

1. Page 1, line 30.

Strike: "the approval of the county for any future transfer of the property"

Insert: "the property to be preserved in its present or restored state upon any subsequent transfer"

2. Page 3, line 6.

Strike: "the approval of the city or town for any future transfer of the property"

Insert: "the property to be preserved in its present or restored state upon any subsequent transfer"

- END -

Committee Vote:
Yes 18, No 0.

321553SC.ham

JS
12:40
2-10

HOUSE BILL NO. 353

INTRODUCED BY B. TASH, K. OHS, C. YOUNKIN

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A COUNTY, CITY, OR TOWN THAT OWNS PROPERTY CONTAINING A HISTORICALLY SIGNIFICANT BUILDING OR MONUMENT TO SELL OR GIVE THE PROPERTY TO A NONPROFIT ORGANIZATION OR GROUP THAT AGREES TO RESTORE OR PRESERVE THE PROPERTY; AMENDING SECTIONS 7-8-2211, 7-8-2212, 7-8-2213, AND 7-8-4201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-8-2211, MCA, is amended to read:

"7-8-2211. Authorization to sell and exchange county property. (1) Boards of county commissioners of this state have the power to sell, trade, or exchange any real or personal property, however acquired, belonging to the county that is not necessary to the conduct of county business or the preservation of its property.

(2) Whenever a county purchases equipment, as provided in 7-5-2301 through 7-5-2308, county equipment ~~which that~~ is not necessary to the conduct of the county business may be traded in as part of the purchase price after appraisal, as provided in 7-8-2214, or may be sold at public auction, as provided in 7-8-2212, in the discretion of the board.

(3) Any sale, trade, or exchange of real or personal property ~~shall~~ must be accomplished under the provisions of ~~Title 7, and in this title.~~ In an exchange of real property, the properties ~~shall~~ must be appraised, and ~~no an~~ exchange of county property may not be made unless property received in exchange therefor for the county property shall be is of an equivalent value. ~~In the event~~ If the properties are not of equivalent values, the exchange may be completed if a cash payment is made in addition to the delivery of title for property having the lesser value.

(4) If a county owns property containing a historically significant building or monument, the county may sell or give the property to nonprofit organizations or groups that agree to restore or preserve the property. The contract for the transfer of the property must contain a provision that:

(a) requires the approval of the county for any future transfer of the property THE PROPERTY TO BE

1 PRESERVED IN ITS PRESENT OR RESTORED STATE UPON ANY SUBSEQUENT TRANSFER; and

2 (b) provides for the reversion of the property to the county for noncompliance with conditions
3 attached to the transfer."

4
5 Section 2. Section 7-8-2212, MCA, is amended to read:

6 "7-8-2212. Notice of sale and public auction required for certain sales. Unless otherwise provided,
7 if real or personal property to be sold is reasonably of a value in excess of \$2,500, the sale must be at
8 public auction at a site determined by the board of county commissioners after notice by publication as
9 provided in 7-1-2121. Property described in 7-8-2211(4) is not subject to the requirements of this
10 section."

11
12 Section 3. Section 7-8-2213, MCA, is amended to read:

13 "7-8-2213. Terms of sale. (1) The Except as provided in 7-8-2211(4), a sale shall under this part
14 must be for cash or on ~~such terms as that~~ the board of county commissioners may approve, provided that
15 at least 20% of the purchase price ~~shall be~~ is paid in cash. All deferred payments on the purchase price
16 of any property sold ~~shall must~~ bear interest at the rate of 6% ~~per annum~~ a year, payable annually, and
17 may be extended over a period of not more than 5 years.

18 (2) ~~No~~ Subject to 7-8-2211(4), a sale shall may not be made at public auction or to any school
19 district without public auction for less than 90% of the appraised value.

20 (3) ~~No~~ Subject to 7-8-2211(4), the title to any property sold under the provisions of 7-8-2211
21 through 7-8-2220 ~~shall may not~~ pass from the county until the purchaser or ~~his~~ the purchaser's assigns
22 ~~shall~~ have paid the full amount of the purchase price ~~therefor~~ into the county treasury for the use and
23 benefit of the county."

24
25 Section 4. Section 7-8-4201, MCA, is amended to read:

26 "7-8-4201. Disposal or lease of municipal property. (1) Subject to the provisions of subsection
27 (2), the city or town council may sell, dispose of, or lease any property belonging to the city or town.

28 (2) (a) ~~The~~ Except for property described in subsection (3), the lease or transfer must be made
29 by an ordinance or resolution passed by a two-thirds vote of all the members of the council.

30 (b) Except for property acquired by tax deed or property described in subsection (3), if the

1 property is held in trust for a specific purpose, the sale or lease must be approved by a majority vote of
2 the electors of the municipality voting at an election called for that purpose. The election must be held
3 in conjunction with a regular or primary election.

4 (3) If a city or town owns property containing a historically significant building or monument, the
5 city or town may sell or give the property to nonprofit organizations or groups that agree to restore or
6 preserve the property. The contract for the transfer of the property must contain a provision that:

7 (a) requires the approval of the city or town for any future transfer of the property THE PROPERTY
8 TO BE PRESERVED IN ITS PRESENT OR RESTORED STATE UPON ANY SUBSEQUENT TRANSFER; and

9 (b) provides for the reversion of the property to the city or town for noncompliance with conditions
10 attached to the transfer.

11 ~~(3)~~(4) This section may not be construed to abrogate the power of the board of park
12 commissioners to lease all lands owned by the city that were acquired for parks within the limitations
13 prescribed by 7-16-4223."

14
15 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

16 - END -

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 16, 1999 at
3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Ken Miller, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Chris Christiaens (D)
Sen. Dorothy Eck (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. J.D. Lynch (D)
Sen. Dale Mahlum (R)
Sen. Jon Tester (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jodi Pauley, Committee Secretary
Mary Vandenbosch, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 205, 3/10/1999; HB 353,
3/10/1999; HB 300, 3/10/1999;
HB 338, 3/10/1999
Executive Action: HB 411

EXECUTIVE ACTION ON HB 411

Discussion:

Mary Vandenbosch said this bill allows a city to designate the

the Clerk and Recorder. There is a concern because there will be thousands of people out there that would have to file this type of record.

{Tape : 1; Side : A; Approx. Time Counter : 3:42 p.m.}

Closing by Sponsor:

REP. TASH said this is a matter of disclosure. There are going to be more and more subdivisions, and they want to see that they are regulated and done properly.

HEARING ON HB 353

Sponsor: **REP. BILL TASH, HD 34, Dillon**

Proponents:

Jane Jelinski, MT Assoc. of Counties
Mona Jamison, MT Historical Society Foundation
Sharon McCabe, MT Historical Society

Opponents: None

Opening Statement by Sponsor:

REP. BILL TASH, HD 34, Dillon, said this is for the acquisition by Madison County to acquire Robbers Roost. Madison County has owned it for several years and acquired it from a tax role back in the 1930's. He read the title of the bill. He said it was amended to make sure that the group that did acquire it would not be burdened with a large amount of management. The purpose is to preserve Robbers Roost. He turned in a newspaper article about Robbers Roost. **EXHIBIT(1os59a02)**

Proponents' Testimony:

Jane Jelinski, MT Assoc. of Counties, said there are several situations in which counties would like to provide certain non-profits with the opportunity to reside in an available building.

Mona Jamison, MT Historical Society Foundation, said if a county owns a historically significant building it can make a deal with a non-profit to restore the building and in turn the county will sell or give it to the non-profit. In turn if that non-profit wants to sell it to another entity, that entity has to continue to preserve that piece of property.

Sharon McCabe, MT Historical Society, said this bill will allow preservation of historically significant building and monuments.

{Tape : 1; Side : B; Approx. Time Counter : 3:50 p.m.}

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. CHRISTIAENS asked what the reference to a food bank meant. **Jane Jelinski** said often a better financial move is to preserve a building, rather than buying a piece of property and building. This is an advantage for non-profits to do this and gives them the ability to establish food banks, etc.

SEN. CHRISTIAENS said he would hope that these non-profits wouldn't change the preservation of that building by having it for a different use. **Jane Jelinski** said the bill is written to ensure that the historical preservation is important, not the ultimate use.

SEN. CHRISTIAENS asked if they considered adding the state into this. **REP. TASH** said he hadn't considered that, but perhaps it could be amended.

SEN. CHRISTIAENS asked if anyone had talked about removing all liability so that the city doesn't just automatically release a piece of property to relieve themselves of an old oil spill, etc. **REP. TASH** said page 3, line 8 addresses this problem somewhat as well as the current language.

SEN. CHRISTIAENS said he would like the staff to look into this issue.

SEN. HARGROVE asked if there is a need for some sort of mechanism to monitor this deed transfer. **REP. TASH** said line 8 addresses this problem and it has to be used for historical significance. He used the example of the Department of Fish, Wildlife and Parks, who owns Bannack and all work they do is strictly under their jurisdiction. They cannot use it for commercial use, etc., because it has to be left in a historical state.

SEN. MAHLUM said on line 28, page 1, perhaps they could change that to address this concern. **REP. TASH** said he would encourage that.

{Tape : 1; Side : B; Approx. Time Counter : 4:00 p.m.}

ACTING CHAIRMAN GRIMES said this bill doesn't limit the purpose for which one of these transferred properties can be used. He asked what would prevent a soup kitchen, etc. from being formed in this historical building. **Mona Jamison** said this comes down to the discretion of the local governing body that is entering into the contract. There is no limitation in the initial transfer as to the use of the property. But in the contract it has to be preserved and provides for the reversion of the property to the county for non-compliance. If they wanted a soup kitchen it would have to be in that contract.

ACTING CHAIRMAN GRIMES asked if she was familiar with **SB 207** which allowed the transfer of county property for non-profit purposes. **Mona Jamison** said she was not aware of that bill. The county owns the property at Robbers Roost and they can't maintain it. If they don't do something to allow these friendly deals they are going to lose these properties by sheer weather.

Closing by Sponsor:

REP. TASH said there are a lot of buildings owned by municipalities. Madison County owns this building and they want it preserved.

{Tape : 1; Side : B; Approx. Time Counter : 4:05 p.m.}

HEARING ON HB 300

Sponsor: **REP. KARL OHS, HD 33, Harrison**

Proponents:

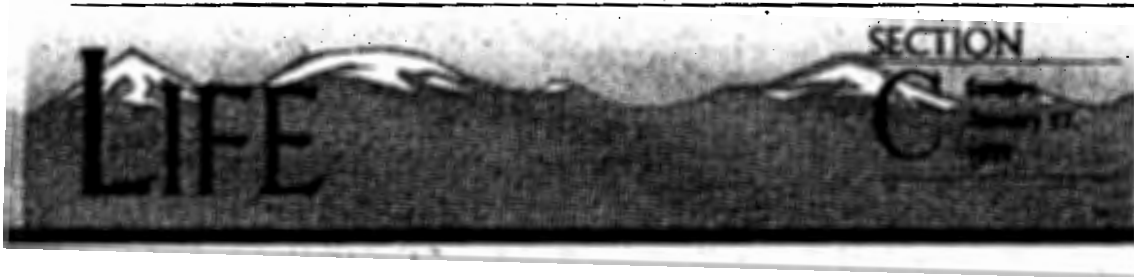
Linda Stoll, MT Assoc. of Planners
Glenna Obie, Jefferson Co. Commissioners
Jane Jelinski, MACo
Mike Murry, Lewis and Clark Commissioner
Larry Marshall, MT Assoc. of Registered Land Surveyors
Stephen Ries, Ries Surveying

Opponents:

Byron Roberts, MT Building Industry Assoc.
Cliff Christian, MT Building Industry Assoc.

Opening Statement by Sponsor:

REP. KARL OHS, HD 33, Harrison, said this specifies that with major subdivisions there would be 60 working days for review and

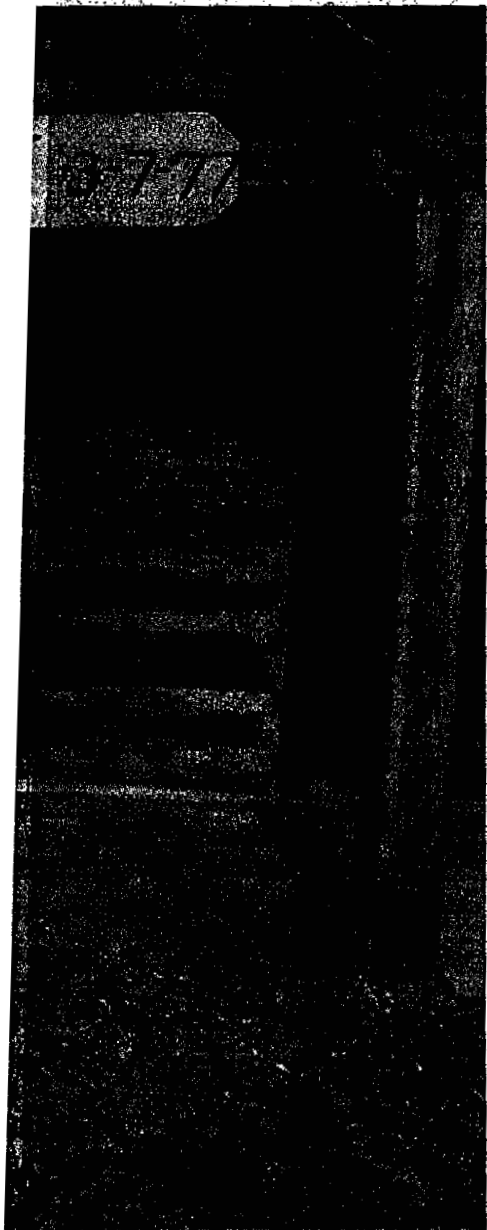


SENATE LOCAL GOVERNMENT

EXHIBIT NO. 2

DATE 3/16/99

BILL NO. HB 353



ABOVE: THE NUMBERS 3-7-77 were used as a warning by the vigilantes. If the numbers appeared above your door, it was time to flee. The meaning of the numbers has been debated over the years. Some believe they are dimensions of a grave. But the Montana Historical Society recently disclosed the numbers are related to the Masonic Order, whose members made up the vigilante ranks. The number 77 was the number of Masons who attended the first Masonic meeting in Bannack, seven was the number required to make up a quorum, three of which had to be principal members.

LEFT: BOB WHEELER is the third generation of Wheelers who have served as caretakers for Madison County's Robbers Roost. Wheeler plans to move away by summer, leaving the historic building's future uncertain.

BELOW, LEFT: THE ROBBERS ROOST sign just off Highway 287 near Laurin provides an exciting tale of one history of the stage stop.

oadho

Exhibit # 2
 From Senate Local Government
 The full exhibit is available from:
 Montana Historical Society Archives
 225 North Roberts
 BOZEMAN, MONTANA 59717
 Newspaper

**MONTANA SENATE
1999 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE**

ROLL CALL

DATE _____

3/16/99

[illegible]

DATE 3/16/99SENATE COMMITTEE ON Local GovtBILLS BEING HEARD TODAY: HB 205, HB 353,
HB 300, HB 338**PLEASE PRINT**

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
John Youngberg	442-9476	Mt Fair Bureau	HB 205	✓	
Mma Jannson	442-5581	Mt Historical Soc. - Pk	HB 353	✓	
Sharon McCa	4699	Mt. Historical Society	HB 353	✓	
Jon Metropoulos	442-8560	F. J. B. C.	HB 205	X	
Jay Chamberlin	683-2307	East Bend Im. Dist	HB 205	✓	
Steve Suezek	443-4032	MT Assn. of Realtors	HB 205	X	
MIKE MURPHY	458-6487	MT. WATER RES. ASSN	HB 205	✓	
Byron Roberts	442-4479	MT Bld Industry	HB 300		✓
Dan Blomquist	443-2211	Mt. Stickgraves	HB 205	✓	
Jane Jelinski	442-5209	MA Co	HB 353 HB 300	✓ ✓	
Glenna Oke	225-4075	Jeff County	HB 300	✓	
Danny Marshall	449-3918	MARLS	HB 205 HB 300	✓	
Mike Jure	443-6055	MT Assn of Planners	HB 300	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 18, 1999 at 3:15 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Ken Miller, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Chris Christiaens (D)
Sen. Dorothy Eck (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. J.D. Lynch (D)
Sen. Dale Mahlum (R)
Sen. Jon Tester (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jodi Pauley, Committee Secretary
Mary Vandembosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 336, 3/11/1999; HB 443,
3/11/1999; HB 614, 3/11/1999;
HJR 29, 3/11/1999
Executive Action: HB 336; HB 443; HJR 29; HB 91;
HB 205; HB 353; HB 300

HEARING ON HB 336

Sponsor: REP. KIM GILLAN, HD 11, Billings

Motion/Vote: SEN. TESTER moved HB 300 BE CONCURRED IN. Motion passed 5-3 with Bohlinger, Glaser, and Miller voting no.

EXECUTIVE ACTION ON HB 353

Motion/Vote: SEN. GLASER moved HB 353 BE CONCURRED IN. Motion carried 7-0.

[illegible]



SENATE STANDING COMMITTEE REPORT

March 19, 1999

Page 1 of 1

Mr. President:

We, your committee on **Local Government** report that **House Bill 353** (third reading copy -- blue) be concurred in.

Signed:


Senator Mike Sprague, Chair

To be carried by Senator Dale Mahlum

- END -

Committee Vote:

Yes 7, No 0.



620836SC.sjo



AN ACT AUTHORIZING A COUNTY, CITY, OR TOWN THAT OWNS PROPERTY CONTAINING A HISTORICALLY SIGNIFICANT BUILDING OR MONUMENT TO SELL OR GIVE THE PROPERTY TO A NONPROFIT ORGANIZATION OR GROUP THAT AGREES TO RESTORE OR PRESERVE THE PROPERTY; AMENDING SECTIONS 7-8-2211, 7-8-2212, 7-8-2213, AND 7-8-4201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-8-2211, MCA, is amended to read:

"7-8-2211. Authorization to sell and exchange county property. (1) Boards of county commissioners of this state have the power to sell, trade, or exchange any real or personal property, however acquired, belonging to the county that is not necessary to the conduct of county business or the preservation of its property.

(2) Whenever a county purchases equipment, as provided in 7-5-2301 through 7-5-2308, county equipment ~~which~~ that is not necessary to the conduct of the county business may be traded in as part of the purchase price after appraisal, as provided in 7-8-2214, or may be sold at public auction, as provided in 7-8-2212, in the discretion of the board.

(3) Any sale, trade, or exchange of real or personal property ~~shall~~ must be accomplished under the provisions of ~~Title 7, and in this title.~~ In an exchange of real property, the properties ~~shall~~ must be appraised, and ~~no~~ an exchange of county property may not be made unless property received in exchange ~~therefor~~ for the county property shall be is of an equivalent value. ~~In the event~~ If the properties are not of equivalent values, the exchange may be completed if a cash payment is made in addition to the delivery of title for property having the lesser value.

(4) If a county owns property containing a historically significant building or monument, the county may sell or give the property to nonprofit organizations or groups that agree to restore or preserve the property. The contract for the transfer of the property must contain a provision that:

(a) requires the property to be preserved in its present or restored state upon any subsequent transfer; and

(b) provides for the reversion of the property to the county for noncompliance with conditions attached to the transfer."

Section 2. Section 7-8-2212, MCA, is amended to read:

"7-8-2212. Notice of sale and public auction required for certain sales. Unless otherwise provided, if real or personal property to be sold is reasonably of a value in excess of \$2,500, the sale must be at public auction at a site determined by the board of county commissioners after notice by publication as provided in 7-1-2121. Property described in 7-8-2211(4) is not subject to the requirements of this section."

Section 3. Section 7-8-2213, MCA, is amended to read:

"7-8-2213. Terms of sale. (1) ~~The~~ Except as provided in 7-8-2211(4), a sale shall under this part ~~must~~ be for cash or on such terms ~~as that~~ that the board of county commissioners may approve, provided that at least 20% of the purchase price ~~shall be~~ is paid in cash. All deferred payments on the purchase price of any property sold ~~shall must~~ bear interest at the rate of 6% ~~per annum a year~~, payable annually, and may be extended over a period of not more than 5 years.

(2) ~~No~~ Subject to 7-8-2211(4), a sale shall may not be made at public auction or to any school district without public auction for less than 90% of the appraised value.

(3) ~~No~~ Subject to 7-8-2211(4), the title to any property sold under the provisions of 7-8-2211 through 7-8-2220 ~~shall may not~~ pass from the county until the purchaser or ~~his~~ the purchaser's assigns ~~shall~~ have paid the full amount of the purchase price ~~therefor~~ into the county treasury for the use and benefit of the county."

Section 4. Section 7-8-4201, MCA, is amended to read:

"7-8-4201. Disposal or lease of municipal property. (1) Subject to the provisions of subsection (2), the city or town council may sell, dispose of, or lease any property belonging to the city or town.

(2) (a) ~~The~~ Except for property described in subsection (3), the lease or transfer must be made

by an ordinance or resolution passed by a two-thirds vote of all the members of the council.

(b) Except for property acquired by tax deed or property described in subsection (3), if the property is held in trust for a specific purpose, the sale or lease must be approved by a majority vote of the electors of the municipality voting at an election called for that purpose. The election must be held in conjunction with a regular or primary election.

(3) If a city or town owns property containing a historically significant building or monument, the city or town may sell or give the property to nonprofit organizations or groups that agree to restore or preserve the property. The contract for the transfer of the property must contain a provision that:

(a) requires the property to be preserved in its present or restored state upon any subsequent transfer; and

(b) provides for the reversion of the property to the city or town for noncompliance with conditions attached to the transfer.

~~(3)~~(4) This section may not be construed to abrogate the power of the board of park commissioners to lease all lands owned by the city that were acquired for parks within the limitations prescribed by 7-16-4223."

Section 5. Effective date. [This act] is effective on passage and approval.

- END -